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Violence Against Women Act Reauthorization

On February 12, 2013, the Senate approved the Violence Against Women Reauthorization Act of 2013 ([S. 47](#)), by a vote of 78-22. The legislation was sponsored by Senator Patrick Leahy (D-VT). The companion bill ([H.R. 11](#)) has been introduced in the House by Representative Gwen Moore (D-WI).

The legislation would reauthorize the Violence against Women Act (VAWA) ([P.L. 103-322](#)) for 5 years. As introduced, S. 47 closely mirrored the legislation introduced in the 112th Congress by Senator Leahy and Representative Moore.

The prior legislation got bogged down over three controversial provisions: (1) expanding tribal authority to enforce restraining orders, (2) relaxing limits on temporary U visas for immigrant women who have been victims of domestic violence, and (3) banning discrimination by grantees based on sexual orientation or gender identity. The controversial provision related to immigrant victims of domestic violence was dropped in the new legislation (S. 47/H.R. 11) and will be dealt with in anticipated immigration reform legislation.

House Majority Leader Eric Cantor (R-VA) has been meeting with Vice President Joseph Biden and House Minority Whip Steny Hoyer (D-MD) in an effort to reconcile differences over the legislation. House Majority Leader Cantor stated that VAWA reauthorization is an early priority for the House. Last week, Representative Darrell Issa (R-CA), reportedly, stated that a deal on the tribal language is in the offing. During the lame duck session of the 112th Congress, Representatives Issa and Tom Cole (R-OK) introduced legislation that contained the Senate provision regarding tribal lands with a clarification that a defendant charged with a crime under this law would be able to petition the appropriate Federal district for removal. Some saw the introduction of that legislation as a compromise, but the proposal met with some House GOP resistance.

S. 47, as introduced and passed by the Senate, includes our amendment to the 5% court set-aside in the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women formula grants to states. The amendment specifies that the 5% court set-aside in the STOP grant would be awarded “to courts” not “for courts.” This amendment should solve a long-standing problem that some states have had in accessing these funds.

The Senate approved legislation kept intact language that would give tribal courts more authority over non-tribal domestic violence offenders when the domestic abuse occurs on Indian tribal lands, Senator Tom Coburn (R-OK) offered an amendment on the floor that would have stricken this provision. The amendment was rejected by a vote of 31-59. In the prior week, the Senate also rejected an alternative reauthorization bill offered by Senator Charles Grassley (R-IA) by a vote of 34-65. His substitute amendment would also have removed the tribal court language and would have authorized \$25 million for

federal judges and prosecutors in tribal areas to prosecute domestic violence cases and issue civil protective orders.

Before passing the reauthorization legislation, the Senate considered several other amendments.

The Senate approved, by a vote of 93-5, an amendment offered by Senator Leahy that would extend an anti-human trafficking law ([P.L. 106-386](#)) through 2017. Reauthorization of this law also stalled in the 112th Congress.

In a related matter, Senator Rob Portman (R-OH) offered an amendment that would include sex trafficking victims in a VAWA grant program designed to help children exposed to violence. The amendment was approved by a vote of 100-0.

Senator Coburn offered an amendment that would require the Justice Department to streamline its programs and use the resulting savings to reduce a backlog in DNA evidence testing and provided that any leftover savings would be returned to the Treasury to reduce the debt. By a vote of 46-53, this amendment was rejected.

Senator Coburn also offered an amendment that would pull 20 percent of criminal-justice-related grants from recipients who do not test accused rapists for sexually transmitted diseases. Current law imposes a 5 percent penalty on these funds and only requires HIV testing. This amendment was rejected by a vote of 43-57. (*Farley*)

Gun Violence

We continue to monitor gun measures and the impact those would have on state court and state court records. Thus far, there have been a number of bills mostly related to assault weapons, high capacity magazine sizes, background checks, gun trafficking, and school security. These measures run the gamut from pro-gun control to lessening restrictions on gun ownership. In terms of mental health, there has been little activity. Only one bill, ([S. 264](#)) by Senator Debbie Stabenow (D-MI) would devote more resources to improve mental health services (S. 264, does not touch on courts). Some members of Congress have asked the Obama Administration whether the HIPAA privacy rule restricts states from sharing mental health records with the NICS background check system. The Health and Human Services Department plans to respond to this request, according to reports. Next week, Chairman Leahy (D-VT) of the Senate Judiciary Committee plans to bring up his a comprehensive gun measure. It is unclear whether an assault weapons ban will part of that measure. In his State of the Union, President Obama called for at least an up or down vote his gun proposals. This was not received favorably in the House of Representatives. (*Dimas*)

Sequestration

There have been a number of proposals to reduce the impact or at least delay the sequester cuts designed to take effect on March 1, 2013. These include postponing the effective date of the sequester, to offsetting the sequester cuts from other discretionary or mandatory spending and eliminating special interest loopholes. None appear to be getting much traction, however. If no action is taken, \$85.3 billion will be automatically trimmed from the FY 2013 budget. For the programs we follow, this means automatic 7-8% cuts to the budgets of the Department of Justice and Health and Human Services. This will trigger some furloughs as well as delay the awarding of grants in these departments. (*Dimas*)

New Administration Appointments in the U.S. Department of Justice (DOJ)

Office of justice Program (OJP)

President Obama has nominated Karol V. Mason to be the Assistant Attorney General for Justice Programs. She is a partner at the law firm of Alston & Bird, LLP and is a member of the firm's Real Estate, Finance, and Investment Group. From 2009 to 2012, she served as Deputy Associate Attorney General at the U.S. Department of Justice. She was a recipient of the U.S. Attorney General's Distinguished Service Award in 2011 for her work to implement the Coordinated Tribal Assistance Solicitation program, a streamlined process for tribal communities to request DOJ funding for public safety initiatives.

Ms. Mason will assume the position previously held by Laurie Robinson, who resigned last year. Mary

Lou Leary has been serving as Acting Assistant Attorney General since Ms. Robinson's resignation.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Robert Listenbee has been appointed to serve as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Administrator position no longer requires Senate confirmation, as a result of the Presidential Appointment Efficiency and Streamlining Act of 2011 (P.L. 112-166)

Prior to the appointment Mr. Listenbee has been Chief of the Juvenile Unit at the Defender Association of Philadelphia. Recently, Mr. Listenbee co-chaired Attorney General Eric Holder's National Task Force on Children Exposed to Violence.

The OJJDP's administrator position has not been permanently filled since J. Robert Flores resigned in 2008 during former President George W. Bush's administration. President Bush appointed Jeff Slowikowski as Acting Administrator in 2009. In early 2012, Melodee Hanes was appointed as the Acting OJJDP Administrator. (*Farley*)